COMPLETED

Y 1.1/5 : 99-236

Calendar No. 511

99TH CONGRESS
2d Session

SENATE

REPORT
99-236

ORIGINAL

OMNIBUS TERRITORIES LEGISLATION

FEBRUARY 6 (legislative day, JANUARY 27), 1986.—Ordered to be printed

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 2478]

The Committee on Energy and Natural Resources, to which was referred the act (H.R. 2478) to amend the Revised Organic Act of the Virgin Islands, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands, to amend the Organic Act of Guam, to provide for the governance of the insular areas of the United States, and for other purposes, having considered the same, reports favorably thereon with amendments to the text and recommends that the act as amended do pass.

The amendments are as follows:

1. On page 6, strike lines 1 through 7 and insert in lieu thereof the following:

> SEC. 2. A total of up to $4,000,000 of funds currently reserved for use by the economic development loan fund, as established under subsection (c) of section 702 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, approved by Public Law 94-241, may be expended for capital improvement projects, provided that such funds become available for use by the economic development loan fund and such funds are not obligated for economic development loans.

2. On page 6, line 16, strike "1985," and insert in lieu thereof "1986,".

3. On page 8, after line 18, add a new section 9 as follows:

71-010 O

BEST COPY AVAILABLE

SEC. 9. LAND GRANT COLLEGE. (a) Section 506 of the Education Amendments of 1972, Public Law 92-318 (86 Stat. 235), is amended—

(1) by inserting ", the Northern Marianas College," immediately after "the College of Micronesia" in subsection (a); and

(2) by striking out "Virgin Islands, Guam, American Samoa, and Micronesia," each place it appears in subsection (b) and inserting in lieu thereof "Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)".

(b) Section 5 of the Act of August 30, 1980, c.841, 26 Stat. 417 (the Second Morill Act), as added by section 506(c) of Public Law 92-318 (86 Stat. 235) is amended by striking out "and Micronesia, and Guam" and inserting in lieu thereof "Guam, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)".

(c) Subsection (c) of section 1361 of Public Law 96-374 (94 Stat. 1367) is amended by striking out "American Samoa and in Micronesia" and inserting in lieu thereof "American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)".

(d) Section 22 of the Act of June 29, 1935, c.388, 49 Stat. 439, as amended (7 U.S.C. 329) is further amended—

(1) by striking out "and Guam" wherever it appears and inserting in lieu thereof "Guam, and the Northern Mariana Islands";

(2) by striking out "$8,100,000" and inserting in lieu thereof "$8,250,000"; and

(3) by striking out "$4,360,000" and inserting in lieu thereof "$4,380,000".

(e) The first sentence of section 3(b)(2) of the Act of May 8, 1914, c.79, 38 Stat. 372, as amended (7 U.S.C. 343), is further amended by striking out "and Guam" and inserting in lieu thereof "Guam, and the Northern Mariana Islands".

(f) Section 10 of the Act of May 8, 1914, c.79, 38 Stat. 372, as added by section 1(i) of Public Law 87-749 (76 Stat. 745) and as amended (7 U.S.C. 349), is further amended to read as follows: "The term 'State' means the States of the Union, Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands.".

PURPOSE

The purpose of H.R. 2478 is to enact several necessary authorizations, technical and clarifying amendments, and program extensions or modifications for the U.S. Territories of Guam, the Northern Mariana Islands, American Samoa and the Virgin Islands. More specifically, the purpose of H.R. 2478, as amended, are to:

BEST COPY AVAILABLE

1. Grant the people of the Virgin Islands the authority to make laws by initiative and recall elected officials.
2. Authorize the Government of the Northern Mariana Islands to transfer up to $4 million in economic development loan funds to capital improvement projects.
3. Clarify that the Virgin Islands, Guam and American Samoa have full civil and criminal concurrent jurisdiction with the United States over Federal property in these territories.
4. Authorize $1.2 million for the Eastern Caribbean Center, Virgin Islands.
5. Provide that authority to organize the Guam education system resides in the Government of Guam.
6. Direct the Secretary of the Interior to report to Congress on the future status of Water Island, Virgin Islands.
7. Extend the Justice Assistance Program to Guam, American Samoa and the Northern Mariana Islands.
8. Extend the Hunter Safety Program to Guam, American Samoa, the Northern Mariana Islands and the Virgin Islands.

Background and Need

Section 1 would amend section 12 of the Revised Organic Act of the Virgin Islands to grant the people of the Virgin Islands the authority to make law by initiative and to recall elected officials. A similar provision had been included in the territorial constitution which was defeated in a local referendum (although the initiative and recall provisions were not controversial). Section 101 of Public Law 97-357 provided similar authority to the people of Guam.

Section 2 would authorize the Government of the Northern Mariana Islands (NMI) to expend unspent economic development loan funds for capital improvements projects. Section 702(c) of the Covenant between the United States and NMI, Public Law 94-241, provided a total of $23 million over 7 years for funding of economic development loans, an amount which NMI officials believe is greater than is needed. At the same time, there is an acute need for basis improvements to the islands' infrastructure. The provisions would permit the transfer of already appropriated funds to higher priority needs.

Section 3 would amend section 4(a) of Public Law 88-183 to grant the Virgin Islands, Guam and American Samoa full civil and criminal concurrent jurisdiction with the United States over Federal property in these territories to the extent that local laws do not conflict with Federal laws. Public Law 88-183 granted territorial governments concurrent jurisdiction over "parties found, acts performed and offenses committed" on Federal property. It was intended to be a general grant of concurrent jurisdiction. However, a Federal court in the Virgin Islands last year cast doubt on this by ruling that a local access law could not be enforced on Federally-owned Water Island (*Water Isle Hotel and Beach Club Ltd.* vs. *Kon Tiki. St. Thomas, Inc.* Civil No. 1983-284 Dist. Court V.I. March 27, 1984).

Section 4 would authorize $1.2 million in multi-year funding for the Eastern Caribbean Center which was proposed in the President's Caribbean Basin Initiative. The Center is to promote Carib-

BEST COPY AVAILABLE

bean regional development through cooperative technical assistance programs and thereby link the United States and the Eastern Caribbean. The Center was established at the College of the Virgin Islands with a fiscal year 1985 appropriation for $490,000

Section 5 would amend section 29(b) of the Organic Act of Guam, which assigns the authority to organize the Guam education system, by replacing the word "Governor" with "Government of Guam". The Guam Board of Education and the Legislature of Guam have requested that this change be made. However, the Governor opposes the change which would allow for an increase in the number of Guam officials involved in education policy. It is the intention of the Committee that the Government of Guam, not the U.S. Congress, shall determine how to allocate the authority to organize the Guam education system. This provision does not preclude delegation of this authority to the Governor under local law nor does it require that there be any changes to the current organization of the education system.

Section 6 would direct the Secretary of the Interior to develop options for the future status of Water Island and report to Congress by the beginning of the 100th Congress. This 500 acre island in St. Thomas Harbor is owned by the Federal government and has been leased to a hotel operator since 1952. The lease expires in 1992. Two issues which are of particular concern and underscore the need for this report are: one, that the current lease requires full payment to the leaseholder for all improvements if the lease is not renewed; and two, Public Law 96-205 bars any change in the lease without Congressional approval. Options must be developed for Congressional consideration before the Secretary of the Interior can begin negotiations with the leaseholder on future status.

Section 7 would amend section 901 of the Justice Assistance Act, Public Law 98-473 to make American Samoa, Guam and the Northern Mariana Islands eligible to receive grants as a single state. Because of their relatively small size, Guam would be eligible for one-half of a state allocation, American Samoa a one-third share and NMI a one-sixth share. This assistance has been sought by the Pacific territories to help cope with growing crime problems.

Section 8 would make the territories eligible to participate in the Hunter Safety Program of the Federal Aid in Wildlife Restoration Act of 1937. The provision would amend the law to allocate one-sixth of 1 pecent of the program's funds to each of the four smaller territories. Puerto Rico is already eligible.

Legislative History

H.R. 2478 was introduced on May 14, 1985, and reported by the Committee on Interior and Insular Affairs on May 15, 1985 (H. Rept. 99-116). On December 5, 1985, the House passed H.R. 2478. The Senate Committee on Energy and Natural Resources conducted a hearing on the provisions of H.R. 2478 on December 3, 1985, in anticipation of House passage. On December 17, 1985, the Senate Committee ordered the measure reported with amendments.

Committee Recommendation and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on December 17, 1985, by majority vote of a quorum present, recommended that the Senate pass H.R. 2478, if amended, as described herein.

YEAS	NAYS
Mr. McClure	
Mr. Hatfield*	
Mr. Weicker*	
Mr. Domenici*	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski*	
Mr. Nickles	
Mr. Hecht	
Mr. Evans	
Mr. Johnston	
Mr. Bumpers*	
Mr. Ford	
Mr. Metzenbaum	
Mr. Melcher	
Mr. Bradley	
Mr. Bingaman	
Mr. Rockefeller*	

*Indicates voted by proxy.

Committee Amendments

The Committee amendment makes three changes to this bill as passed by the House of Representatives. First, it clarifies and limits section 2 to authorize the Government of the Northern Mariana Islands the flexibility to transfer up to $4 million in economic development loan funds to capital improvement projects. The House passed language referred to the funds available for transfer as "Appropriations". This language suggests that these funds are unobligated appropriations to the Economic Development Loan Fund (EDLF). The Committee understands, however, that there are currently no unobligated appropriations to the EDLF. Accordingly, the language has been amended to allow for the transfer of funds which may become available to the EDLF through repayment of loans, defaults on loans, or may otherwise become available under the normal operation of the Fund. It is the Committee's intention that only funds which are not obligated for loans by the Fund managers shall be available to be transferred. Further, because the Committee does not intend for this authority to be open-ended, the language specifically limits the total of the funds which may be transferred to $4 million.

The Committee amendment would also add a new section to the House passed bill extending program eligibility for the Land Grant College Program to the College of the Northern Mariana Islands. Because of the small size of the College of the Mariana Islands, this provision does not authorize the college for the $3 million endowment which has usually been included in the extension of program

BEST COPY AVAILABLE

eligibility. It is intended that the college be eligible for all program grants and benefits extended to other member colleges except for the endowment.

Finally, the Committee amendment changes the effective date for the authorization in section 4 from 1985 to 1986. This change is made in response to the delay in passage of the measure by the House and the fact that the 1985 fiscal year has ended.

Cost and Budgetary Considerations

In compliance with paragraph 11(a) of Rule XXVI of the Standing Rules of the Senate, the following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, January 30, 1986.

Hon. James A. McClure,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 2478, an act to amend the Revised Organic Act of the Virgin Islands, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands, to amend the Organic Act of Guam, to provide for the governance of the insular areas of the United States, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources, December 17, 1985.

The act authorizes the appropriation of $1.2 million in fiscal year 1986 to the Secretary of the Interior for grants to the College of the Virgin Islands. The act also authorizes the annual appropriation of $320,000, beginning in fiscal year 1986, to extend agricultural college benefits to the Northern Mariana Islands. Assuming the amounts authorized are appropriated late in this fiscal year, we estimate that federal government outlays will be about $1.8 million in fiscal year 1987 and $320,000 in each fiscal year thereafter. In addition, the act would allow the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands to be included in the formula for the sharing of vocational education assistance, but does not authorize additional funds. Other provisions of the act would have no cost impact.

The act also authorizes the people of the United States Virgin Islands to exercise the power of initiative, referendum, and recall. These activities may result in some costs to the government of the Virgin Islands, but there is no way to predict the number of such votes that would occur and the resulting costs. Enactment of this legislation will not affect the budgets of other state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

Rudolph G. Penner.

BEST COPY AVAILABLE

Regulatory Impact Evaluation

The bill would not impose any additonal Government-established standards or significant economic responsibilities on private individuals or businesses.

No personal information would be collected as a result of enactment of this measure. Therefore, there would be no impact on personal privacy.

Little, if any additional paperwork, would result from the enactment of H.R. 2478, even though the measure does require that a report be made to Congress.

Executive Communications

During its hearing on H.R. 2478 the Committee requested comments from the Administration witness Richard T. Montoya, Assistant Secretary, Territorial and International Affairs on the provisions of the measure. Mr. Montoya testified in support of the provisions of H.R. 2478 except sections 2 and 4. He testified that section 2 would conflict with the provisions of the Agreement of the Special Representatives on the Future United States Financial Assistance for the Northern Mariana Islands and therefore, section 2 did not have Administration support. Mr. Montoya also testified that the Administration would not support section 4, which would authorize appropriations for the Eastern Caribbean Center, because unspent appropriations were currently available to the Center. Finally, Mr. Montoya testified that the Administration had no position on section 5, dealing with the education system of Guam, and believed that it was a local issue properly resolved at the local level.

Changes in Existing Law

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, H.R. 2478, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Public Law 517

AN ACT To revise the Organic Act of the Virgin Islands of the United States.

(68 Stat. 497)

* * * * * * *

[Sec. 12. Any Governor of the Virgin Islands may be removed from office by a referendum election in which at least two-thirds of the number of persons voting for Governor in the last preceding general election at which a Governor was elected vote in favor of recall and in which those so voting constitute a majority of all those participating in the referendum election. The referendum election shall be initiated by the legislature of the Virgin Islands following (a) a two-thirds vote of the members of the legislature in favor of a referendum, or (b) a petition for such a referendum to

BEST COPY AVAILABLE

the legislature by registered voters equal in number to at least 50 per centum of the whole number of votes cast for Governor at the last general election at which a Governor was elected preceding the filing of the petition.]

SEC. 12. (a) The people of the Virgin Islands shall have the rights of initiative and recall to be exercised as provided in subsection (b) and subsection (c), respectively.

(b)(1) An initiative may enact, amend, or repeal any law, except that an initiative shall not be used to repeal a law declared by the legislature at the time of passage to be an emergency law necessary for the preservation of the public health, safety, or peace.

(2) An initiative that proposes a reduction of taxes shall also provide for an equivalent reduction of expenditures or an equivalent increase in revenues from other sources.

(3) An initiative shall address one subject only and matters reasonably related to that subject.

(4) The ballot question shall be in such form that a "yes" vote is a vote in favor of the proposal and a "no" vote is a vote against the proposal.

(5) A copy of the proposed initiative petition, including a complete text of the proposed law and containing signatures equal to at least 1 percent of the voters of each legislative district or 4 percent of all voters of the Virgin Islands must be submitted to the Supervisor of Elections prior to circulation for ballot qualification. The Supervisor of Elections must determine within 10 days after the submission whether the preliminary signatures are sufficient. If so determined, the Supervisor of Elections shall refer the preliminary petition to an initiative titling board consisting of the Attorney General, the Supervisor of Elections, and the legislative counsel of the legislature. The board shall, in an open hearing, prepare the official ballot title, the submission question, and a summary of the initiative proposal, and this preparation shall be completed within 30 days after the referral.

(6) After the ballot title has been written, proponents of the initiative proposal shall have a maximum of 180 days to circulate the petition. Petitions containing signatures equal to at least 10 percent of the voters of each legislative district or 41 percent of all voters of the Virgin Islands must be submitted to the Supervisor of Elections. The Supervisor shall have 15 days to determine that the minimum number of valid signatures are contained in the petition and he shall forward the certified proposal to the legislature which must accept or reject the measure within 30 days. If approved, the initiative shall take effect in accordance with its terms. If the legislature does not approve, the initiative shall be submitted to the voters at the next general election, unless the legislature approves a special election for this purpose. The legislature may submit its own version of the initiative to the voters. Should both measures be approved by the voters, the measure receiving the higher number of votes shall prevail. The voters shall have a clear alternative of rejecting either version or the entire proposition.

(7) An initiative submitted to the voters shall take effect if the initiative is approved by a majority of persons voting and if a majority of the voters of the Virgin Islands vote on the initiative. An initiative may not be voted by the Governor, and when approved by

BEST COPY AVAILABLE

the voters, may not be amended or repealed by the legislature during the 3-year period after its approval unless the legislature acts by a two-thirds majority.

(8) The legislature may provide the manner in which petitions shall be circulated, filed, certified, and the ballot question shall be submitted to the voters.

(c)(1) An elected public official of the Virgin Islands may be removed from office by a recall election carried out under this subsection. The grounds for recall are any of the following: lack of fitness, incompetence, neglect of duty, or corruption.

(2) A recall election may be initiated by a two-thirds vote of the members of the legislature or by a petition under this subsection.

(3) Prior to circulation a recall petition which identifies by name and office the official being recalled and which states the grounds for recall shall be submitted to the Supervisor of Elections. The sponsors of the recall petition shall be allowed a period of 60 days after such submission for filing with the Supervisor of Elections a list of signatures equal in number to at least 50 precent of the whole number of votes cast for that office in the last general election at which that office was filled. The Supervisor of Elections shall have 15 days in which to determine whether the minimum number of valid signatures are contained in the recall petition.

(4) A special recall election shall be held with respect to an elected public official not earlier than 30 days after a vote of the legislature under paragraph (2) or a determination of the board of elections under paragraph (3), as the case may be, and not later than 60 days after such vote or determination.

(5) An official shall be removed from office upon approval of the recall in an election in which at least two-thirds of the number of persons voting for such official in the last preceding general election at which such official was elected vote in favor of recall and in which those so voting constitute a majority of all those participating in such recall election.

(6) No recall election shall be held with respect to an elected public official—

(A) during the first year of the first term of office of the official; or

(B) less than 3 months before a general election for the office.

(d) As used in this section, the term—

(1) "law" means a law of the Virgin Islands; and

(2) "voter" means a registered voter who is eligible to vote on the issue or for the office involved.

* * * * * * *

PUBLIC LAW 88-183

AN ACT To authorize the Secretary of the Interior to convey certain submerged lands to the governments of Guam, the Virgin Islands, and American Samoa, and for other purposes.

(77 Stat. 338)

* * * * * * *

BEST COPY AVAILABLE

SEC. 4. [(a) Except as otherwise provided in this section, the governments of Guam, the Virgin Islands, and American Samoa, as the case may be, shall have concurrent jurisdiction with the United States over parties found, act performed, and offenses committed on property owned, reserved, or controlled by the United States in Guam, the Virgin Islands, and American Samoa.]

(a) Except as otherwise provided by law, the governments of the Virgin Islands, and American Samoa, shall have concurrent civil and criminal jurisdiction with the United States with regard to property owned, reserved, or controlled by the United States in Virgin Islands, Guam, and American Samoa respectively. A judgment of conviction or acquittal on the merits under the laws of Guam, the Virgin Islands, or American Samoa shall be a bar to any prosecution under the criminal laws of the United States, for the same act or acts, and a judgment of conviction or acquittal on the merits under the laws of the United States shall be a bar to any prosecution under the laws of Guam, the Virgin Islands, or American Samoa for the same act or acts.

* * * * * * *

[CHAPTER 512]

AN ACT To provide a civil government for Guam, and for other purposes.

(64 Stat. 384)

* * * * * * *

SEC. 29. (a) Subject to the laws of Guam, the Governor shall establish, maintain, and operate public-health services in Guam, including hospitals, dispensaries, and quarantine stations, at such places in Guam as may be necessary, and he shall promulgate quarantine and sanitary regulations for the protection of Guam against the importation and spread of disease.

(b) The [Governor] *Government of Guam* shall provide an adequate public educational system of Guam, and to that end shall establish, maintain, and operate public schools at such places in Guam as may be necessary.

* * * * * * *

PUBLIC LAW 96-157, 96TH CONGRESS

AN ACT To restructure the Federal Law Enforcement Assistance Administration, to assist State and local governments in improving the quality of their justice systems, and for other purposes.

(93 Stat. 1167)

* * * * * * *

SEC. 901. (a) DEFINITIONS

As used in this chapter—

(1) "criminal justice" means activities pertaining to crime prevention, control, or reduction, or the enforcement of the criminal law, including, but not limited to, police efforts to pre-

BEST COPY AVAILABLE

vent, control, or reduce crime or to apprehend criminals, including juveniles, activities of courts having criminal jurisdiction, and related agencies (including but not limited to prosecutorial and defender services, juvenile delinquency agencies and pretrial service or release agencies), activities of corrections, probation, or parole authorities and related agencies assisting in the rehabilitation, supervision, and care of criminal offenders, and programs relating to the prevention, control, or reduction of narcotic addiction and juvenile delinquency;

(2) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, [and] the Virgin Islands, *American Samoa, Guam, and the Northern Mariana Islands: Provided, That for the purposes of section 407(a) American Samoa, Guam, and the Northern Mariana Islands shall be considered as one State and that, for these purposes, 33 per centum of the amounts allocated shall be allocated to American Samoa 50 per centum to Guam, and 17 per centum to the Northern Mariana Islands;*

(3) "unit of local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government or the United States Government performing law enforcement functions in and for the District of Columbia[, Guam, American Samoa,] *and* the Trust Territory of the Pacific Islands[, or the Commonwealth of the Northern Mariana Islands]; *in lieu thereof.*

* * * * * * *

AN ACT To provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes.

(50 Stat. 918)

* * * * * * *

4(b) One-half of the revenues accruing to the fund under this chapter each fiscal year (beginning with the fiscal year 1975) from any tax imposed on pistols, revolvers, bows, and arrows shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States: *Provided,* That each State shall be apportioned not more than 3 per centum and not less than 1 per centum of such revenues strike. *and Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands shall each be apportioned one-sixth of 1 per centum of such revenues.* For the purpose of this subsection, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce.

* * * * * * *

SEC 8a. Out of the deductions set aside for administering and executing this chapter and the Migratory Bird Conservation [Act,] *Act, and hunter safety programs as provided by section 8(b)*

BEST COPY AVAILABLE

of this Act, the Secretary of the Interior is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service; to rent or construct buildings outside of the city of Washington; to purchase such supplies, materials, equipment, office fixtures, and apparatus; and to incur such travel and other expenses, including purchase, maintenance, and hire of passenger-carrying motor vehicles, as he may deem necessary for carrying out the purposes of this chapter.

* * * * * * *

PUBLIC LAW 92-318

AN ACT To amend the Higher Education Act of 1965, the Vocational Education Act of 1963, the General Education Provisions Act (creating a National Foundation for Postsecondary Education and a National Institute of Education), the Elementary and Secondary Education Act of 1965, Public Law 874, Eighty-first Congress, and related Acts, and for other purposes.

(86 Stat. 235)

* * * * * * *

SEC. 506. (a) The College of the Virgin Islands, the Community College of American Samoa, the College of Micronesia, *the Northern Mariana Islands College,* and the University of Guam shall be considered land-grant colleges established for the benefit of agriculture and mechanic arts in accordance with the provisions of the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C. 301-305, 307, 308 [sections 301 to 305, 307, and 308 of this title]).

(b) In lieu of extending to the [Virgin Islands, Guam, American Samoa, and Micronesia] *Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)* those provisions of the Act of July 2, 1862, as amended [sections 301 to 305, 307, and 308 of this title], relating to donations of public land or land scrip for the endowment and maintenance of colleges for the benefit of agriculture and the mechanic arts, there is authorized to be appropriated $3,000,000 to the Virgin Islands and $3,000,000 to Guam and an equal amount to American Samoa and to Micronesia. Amounts appropriated pursuant to this section shall be held and considered to have been granted to the [Virgin Islands, Guam, American Samoa, and Micronesia] *Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)* subject to the provisions of that Act [sections 301 to 305, 307, and 308 of this title] applicable to the proceeds from the sale of land or land scrip.

* * * * * * *

BEST COPY AVAILABLE

AN ACT To apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and the mechanic arts established under the provisions of an act of Congress approved July second, eighteen hundred and sixty-two.

(26 Stat. 417)

(THE SECOND MORRILL ACT)

* * * * * * *

SEC. 5. There is authorized to be appropriated annually for payment to the Virgin Islands, American Samoa, [and Micronesia, and Guam] *Guam, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)* the amount they would receive under this Act if they were States. Sums appropriated under this section shall be treated in the same manner and be subject to the same provisions of law, as would be the case, if they had been appropriated by the first sentence of this Act.

* * * * * * *

PUBLIC LAW 96-374, 96TH CONGRESS

AN ACT To amend and extend the Higher Education Act of 1965, and for other purposes.

(94 Stat. 1367)

* * * * * * *

SEC. 1361. (a) Section 506 of the Education Amendments of 1972 is amended—

(1) by inserting ", the Community College of American Samoa, the College of Micronesia," immediately after "The College of the Virgin Islands" in subsection (a);

(2) by striking out "Virgin Islands and Guam" each place it appears in subsection (b) and inserting in lieu thereof "Virgin Islands, Guam, American Samoa, and Micronesia"; and

(3) by striking out "Guam." in such subsection and inserting in lieu thereof "Guam an equal amount to American Samoa and to Micronesia.".

(b) Section 5 of the Act of August 30, 1890 (7 U.S.C. 327), commonly referred to as the Second Morrill Act, is amended by inserting ", American Samoa, and Micronesia," immediately after "the Virgin Islands".

(c) Any provision of any Act of Congress relating to the operation of or provision of assistance to a land grant college in the Virgin Islands or Guam shall apply to the land grant college in [American Samoa and in Micronesia] *American Samoa, the Northern Mariana Islands and the Trust Territory of the Pacific Islands (other than the Northern Mariana Islands)* in the same manner and to the same extent.

(d) Nothing in this section shall be construed to interfere with or affect any of the provisions of the April 17, 1900 Treaty of Cession of Tutuila and Aunu'u Islands or the July 16, 1904 Treaty of Ces-

BEST COPY AVAILABLE

sion of the Manu'a Islands as ratified by the Act of February 20, 1929 (45 Stat. 1253) and the Act of May 22, 1929 (46 Stat. 4).

* * * * * * *

AN ACT To provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges.

(49 Stat. 436)

* * * * * * *

SEC. 22. In order to provide for the more complete endowment and support of the colleges in the several States, Puerto Rico, the Virgin Islands, [and Guam] *Guam, and the Northern Mariana Islands* entitled to the benefits of this subchapter and subchapter I of this title, there are authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the following amounts:

(a) For the first fiscal year beginning after the date of enactment of this Act, and for each fiscal year thereafter, [$8,100,000;] *$8,250,000;* and

(b) For the first fiscal year beginning after the date of enactment of this Act, and for each fiscal year thereafter, [$4,360,000] *$4,380,000.*

The sums appropriated in pursuance of paragraph (a) of this section shall be paid annually to the several States, Puerto Rico, the Virgin Islands, [and Guam] *Guam, and the Northern Mariana Islands* in equal shares. The sums appropriated in pursuance of paragraph (b) of this section shall be in addition to sums appropriated in pursuance of paragraph (a) of this section and shall be allotted and paid annually to each of the several States, Puerto Rico, the Virgin Islands, [and Guam] *Guam, and the Northern Mariana Islands* in the proportion to which the total population of each State, Puerto Rico, the Virgin Islands, [and Guam] *Guam, and the Northern Mariana Islands* bears to the total population of all the States, Puerto Rico, the Virgin Islands, [and Guam] *Guam, and the Northern Mariana Islands* as determined by the last preceding decennial census. Sums appropriated in pursuance of this section shall be in addition to sums appropriated or authorized under this subchapter and subchapter I of this title, and shall be applied only for the purposes of the colleges defined in such subchapters. The provisions of law applicable to the use and payment of sums under this subchapter shall apply to the use and payment of sums appropriated in pursuance of this section.

* * * * * * *

BEST COPY AVAILABLE

AN ACT To provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an Act of Congress approved July second, eighteen hundred and sixty-two, and of Acts supplementary thereto, and the United States Department of Agriculture.

(38 Stat. 372)

* * * * * * *

SEC. 3. (a) There are authorized to be appropriated for the purposes of this subchapter such sums as Congress may from time to time determine to be necessary.

(b)(1) Out of such sums, each State and the Federal Extension Service shall be entitled to receive annually a sum of money equal to the sums available from Federal cooperative extension funds for the fiscal year 1962, and subject to the same requirements as to furnishing of equivalent sums by the State, except that amounts heretofore made available to the Secretary for allotment on the basis of special needs shall continue available for use on the same basis.

(2) There is authorized to be appropriated for the fiscal year ending June 30, 1971, and for each fiscal year thereafter, for payment to the Virgin Islands [and Guam], *Guam, and the Northern Mariana Islands* $100,000 each, which sums shall be in addition to the sums appropriated for the several States of the United States and Puerto Rico under the provisions of this section. The amount paid by the Federal Government to the Virgin Islands [and Guam], *Guam, and the Northern Mariana Islands* pursuant to this paragraph shall not exceed during any fiscal year, except the fiscal years ending June 30, 1971, and June 30, 1972, when such amount may be used to pay the total cost of providing services pursuant to this subchapter, the amount available and budgeted for expenditure by the Virgin Islands [and Guam], *Guam, and the Northern Mariana Islands* for the purposes of this subchapter.

* * * * * * *

SEC. 10. [The term "State" means the States of the Union, Puerto Rico, the Virgin Islands, and Guam.] *The term "State" means the States of the Union, Puerto Rico, the Virgin Islands, Guam and the Northern Mariana Islands.*

* * * * * * *

○

BEST COPY AVAILABLE